

Senate File 442 - Introduced

SENATE FILE 442

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1090)

A BILL FOR

1 An Act relating to authorized emergency vehicles, and making
2 penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.231, subsection 1, Code 2019, is
2 amended to read as follows:

3 1. The driver of an authorized emergency vehicle, when
4 responding to an emergency call or when in the pursuit of an
5 actual or suspected perpetrator of a felony or misdemeanor, or
6 in response to an incident dangerous to the public, or when
7 responding to but not upon returning from a fire alarm, may
8 exercise the privileges set forth in this section.

9 Sec. 2. Section 321.231, subsection 2, Code 2019, is amended
10 by adding the following new paragraphs:

11 NEW PARAGRAPH. c. Drive the vehicle on the shoulder or
12 median of a highway.

13 NEW PARAGRAPH. d. Disregard laws or regulations governing
14 turning the vehicle in specified directions.

15 NEW PARAGRAPH. e. Disregard laws or regulations governing
16 overtaking or passing other motorists.

17 Sec. 3. Section 321.231, subsections 3 and 4, Code 2019, are
18 amended to read as follows:

19 3. The driver of a an official fire department vehicle,
20 police vehicle, rescue vehicle, ~~or~~ ambulance, or emergency
21 medical services vehicle, or a peace officer riding a police
22 bicycle in the line of duty, may do any of the following:

23 a. Proceed past a red or stop signal or stop sign, but
24 only after slowing down as an emergency vehicle driver may ~~be~~
25 necessary deem reasonable for safe operation in the same or
26 similar circumstances based on information known to the driver
27 at the time.

28 b. Exceed the maximum speed limits so long as the driver
29 does not recklessly endanger life or property.

30 4. a. The exemptions granted to the driver of an authorized
31 emergency vehicle under subsection 2 and to a the driver of
32 an official fire department vehicle, police vehicle, rescue
33 vehicle, ~~or~~ ambulance, or emergency medical services vehicle as
34 provided in subsection 3 shall apply only when such vehicle is
35 making use of an audible ~~signaling~~ warning device meeting the

1 requirements of [section 321.433](#) or a visual signaling device,
2 ~~except that use of an audible or visual signaling device shall~~
3 ~~not be required when exercising the~~ authorized under this
4 chapter.

5 b. The exemption granted under [subsection 3](#), paragraph
6 "b", when the vehicle is operated by a peace officer shall be
7 granted to a peace officer or reserve peace officer operating
8 an authorized emergency vehicle without using an audible
9 warning device or visual signaling device if such action does
10 not recklessly endanger the life of the officer or the vehicle,
11 and if the officer is pursuing a suspected violator of the
12 speed restrictions imposed by or pursuant to [this chapter](#)
13 for the purpose of determining the speed of travel of such
14 suspected violator, or if the officer reasonably believes based
15 on the facts and circumstances at the time that a suspected
16 violator's knowledge of the officer's proximity may cause the
17 suspected violator to destroy evidence of a suspected felony
18 or aggravated misdemeanor, evade apprehension, or endanger the
19 public or the officer.

20 c. The exemption granted under subsection 3, paragraph
21 "b", shall be granted to the driver of an authorized emergency
22 vehicle transporting a patient to a hospital while using
23 a visual signaling device but without using an audible
24 warning device if a certified emergency medical care provider
25 reasonably believes the patient's condition warrants limited
26 use of the vehicle's audible warning device, provided the
27 driver activates the vehicle's audible warning device when
28 necessary to warn motorists or pedestrians of the vehicle's
29 approach, or when approaching an intersection.

30 Sec. 4. Section 321.231, Code 2019, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 3A. A peace officer operating an authorized
33 emergency vehicle may execute a lawful intervention technique
34 if such execution is reasonable under the circumstances based
35 on the information available to the officer at the time, and

1 the officer has completed a training course approved by the
 2 Iowa law enforcement academy that instructs participants in
 3 the proper execution of lawful intervention techniques. For
 4 purposes of this subsection, "*lawful intervention technique*"
 5 means a method by which a peace officer operating a motor
 6 vehicle in pursuit of a fleeing motor vehicle causes or
 7 attempts to cause the fleeing motor vehicle to stop.

8 Sec. 5. NEW SECTION. **321.231A Authorized emergency vehicles**
 9 **— parades and events.**

10 1. The driver of an authorized emergency vehicle may operate
 11 the vehicle as part of an official governmental event for the
 12 purposes of the safety and security of an elected official,
 13 candidate for public office, or the public, or as part of a
 14 parade or other public service event if the parade or event
 15 is approved by the state or a municipality, as defined in
 16 section 670.1, and notice of the parade or event is publicly
 17 disseminated by the state or municipality in the area where the
 18 parade or event will occur at least five days prior to the date
 19 on which the parade or event will occur.

20 2. Notwithstanding any provision of law to the contrary, an
 21 authorized emergency vehicle operating in a parade or event may
 22 display any of the vehicle's lighting devices. This subsection
 23 shall not be construed to exempt the driver of the authorized
 24 emergency vehicle from any duty to operate the vehicle with due
 25 regard for the safety of all persons.

26 Sec. 6. NEW SECTION. **321.231B Authorized emergency vehicles**
 27 **— immunity from liability.**

28 1. A fire fighter who is certified by the fire service
 29 training bureau, as described in section 100B.6, as a fire
 30 apparatus driver or operator and who has completed an emergency
 31 vehicle operations course and any applicable continuing
 32 education requirements established or approved by the fire
 33 service training bureau shall not be liable for any injury or
 34 loss arising from the fire fighter's operation of an authorized
 35 emergency vehicle in response to an emergency call or to an

1 incident dangerous to the public unless the fire fighter
2 operates the vehicle with reckless disregard for the safety of
3 persons or property.

4 2. An emergency medical care provider, as defined in section
5 147A.1, who has completed an emergency vehicle operations
6 course and any applicable continuing education requirements
7 established or approved by the department of public health
8 shall not be liable for any injury or loss arising from the
9 provider's operation of an authorized emergency vehicle in
10 response to an emergency call or to an incident dangerous
11 to the public unless the provider operates the vehicle with
12 reckless disregard for the safety of persons or property.

13 3. A peace officer, as defined in section 801.4, or a
14 reserve peace officer, as defined in section 80D.1A, who has
15 completed an emergency vehicle operations course and any
16 applicable continuing education requirements established
17 or approved by the Iowa law enforcement academy shall not
18 be liable for any injury or loss arising from the officer's
19 operation of an authorized emergency vehicle in response to an
20 emergency call or to an incident dangerous to the public unless
21 the officer operates the vehicle with reckless disregard for
22 the safety of persons or property.

23 4. Subsections 1 through 3 apply only when, in response to
24 an emergency call or to an incident dangerous to the public,
25 the authorized emergency vehicle is making use of a siren
26 meeting the requirements of section 321.433 or flashing blue
27 and red lights authorized under this chapter. The protections
28 from liability provided by subsections 1 through 3 apply in
29 addition to any other defenses to liability provided by law.

30 5. *a.* The driver of an authorized emergency vehicle shall
31 not be liable for any injury or loss arising from the operation
32 of the authorized emergency vehicle unless reckless disregard
33 for the safety of persons or property is proven by clear and
34 convincing evidence.

35 *b.* If a person brings a tort claim against the driver of

1 an authorized emergency vehicle, a municipality, as defined in
2 section 670.1, or this state, for any injury or loss arising
3 from the operation of the authorized emergency vehicle, the
4 court shall determine, on motion by any party or on its own
5 motion, whether the person has presented sufficient, admissible
6 evidence to support a prima facie finding of reckless disregard
7 for the safety of persons or property, before the matter
8 proceeds to trial.

9 Sec. 7. Section 321.324A, Code 2019, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 4. *a.* The driver of an authorized
12 emergency vehicle may operate the vehicle as part of a funeral
13 procession if approved by each municipality, as defined in
14 section 670.1, in which the funeral procession occurs.

15 *b.* Notwithstanding any provision of law to the contrary, an
16 authorized emergency vehicle operating in a funeral procession
17 may display any of the vehicle's lighting devices. This
18 subsection shall not be construed to exempt the driver of the
19 authorized emergency vehicle from any duty to operate the
20 vehicle with due regard for the safety of all persons.

21 Sec. 8. Section 321.433, Code 2019, is amended to read as
22 follows:

23 **321.433 Sirens, whistles, air horns, and bells prohibited.**

24 1. A vehicle shall not be equipped with and a person shall
25 not use upon a vehicle any siren, whistle, or bell, except as
26 otherwise permitted in this section or any other provision of
27 law.

28 2. It is permissible but not required that any commercial
29 vehicle be equipped with a theft alarm signal device which is
30 so arranged that it cannot be used by the driver as an ordinary
31 warning signal.

32 3. Any authorized emergency vehicle may be equipped with
33 a siren, whistle, air horn, or bell capable of emitting sound
34 audible under normal conditions from a distance of not less
35 than five hundred feet, ~~but the~~.

1 4. An authorized emergency medical services program, fire
 2 department, or law enforcement agency may equip one or more
 3 vehicles with an air horn.

4 5. An official fire department vehicle, emergency medical
 5 services program vehicle, or law enforcement vehicle owned
 6 by the state, a municipality, as defined in section 670.1,
 7 or a corporation providing emergency medical services to
 8 a municipality pursuant to a written contract, that was
 9 purchased, delivered, or refurbished on or after July 1,
 10 2019, excluding an all-terrain vehicle or a special service
 11 vehicle, shall be equipped with a two-hundred-watt electric
 12 or electronic siren capable of emitting at least two distinct
 13 siren tones, and one or more compatible siren speakers.

14 6. An authorized emergency vehicle's siren, whistle, or
 15 bell shall not be used except when the vehicle is operated in
 16 response to an emergency call or an incident dangerous to the
 17 public, in a parade or designated public service event, for a
 18 demonstration, for maintenance, or in the immediate pursuit of
 19 an actual or suspected violator of the law, and the driver of
 20 the vehicle shall sound the siren, whistle, or bell when the
 21 driver reasonably believes necessary to warn pedestrians and
 22 other drivers of the approach of the vehicle.

23 7. For purposes of this section:

24 a. "Electric siren" means an audible warning device that
 25 produces sound using an electric motor with an attached
 26 rotating slotted or perforated disc.

27 b. "Electronic siren" means an audible warning device
 28 that produces sound electronically using amplifiers and
 29 electromagnetic speakers.

30 Sec. 9. Section 321.451, subsection 1, Code 2019, is amended
 31 by adding the following new paragraphs:

32 NEW PARAGRAPH. g. A vehicle owned by a certified chief or
 33 certified chief officer of a volunteer fire department, a fire
 34 department comprised of a combination of volunteer and paid
 35 members, or a nonprofit corporation that delivers emergency

1 services on behalf of a municipality, as defined in section
2 670.1, pursuant to a written contract, if the application for
3 a certificate of designation is requested by the chief of the
4 fire department. However, the department shall not approve
5 an application received pursuant to this paragraph unless
6 the owner of the vehicle has completed an emergency vehicle
7 operations course approved by the fire service training bureau,
8 as described in section 100B.6, provided proof of certification
9 as a fire officer, and provided proof of financial liability
10 coverage or risk pool coverage.

11 NEW PARAGRAPH. *h.* A vehicle owned by a chief or medical
12 director of an authorized emergency medical service provider,
13 if the application for a certificate of designation is
14 requested by the chief of the authorized emergency medical
15 service provider. However, the department shall not approve
16 an application received pursuant to this paragraph unless
17 the owner of the vehicle has completed an emergency vehicle
18 operations course approved by the department of public health,
19 and provided proof of financial liability coverage or risk pool
20 coverage.

21 Sec. 10. Section 321.451, Code 2019, is amended by adding
22 the following new subsections:

23 NEW SUBSECTION. 4. A public or private employer shall
24 not require an employee or volunteer to apply for or maintain
25 a certificate of designation pursuant to this section as a
26 condition of employment or of permitting the person to continue
27 to volunteer. A person shall not be required to operate or
28 use a vehicle designated as an authorized emergency vehicle
29 pursuant to this section.

30 NEW SUBSECTION. 5. This section shall not be construed
31 to exempt the state or a municipality, as defined in section
32 670.1, from any duty to purchase, equip, maintain, or otherwise
33 provide authorized emergency vehicles to meet any requirement
34 to provide public services, including law enforcement, fire
35 protection, rescue, or emergency medical services.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

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4 OPERATION IN EMERGENCY SITUATIONS. This bill allows the
5 driver of an authorized emergency vehicle, when responding
6 to an emergency call, when in the pursuit of an actual or
7 suspected perpetrator of a felony or misdemeanor, in response
8 to an incident dangerous to the public, or when responding
9 to but not upon returning from a fire alarm, to drive the
10 vehicle on the shoulder or median of a highway, to disregard
11 laws or regulations governing turning the vehicle in specified
12 directions, and to disregard laws or regulations governing
13 overtaking or passing other motorists. The bill also allows
14 official fire department vehicles, police vehicles, rescue
15 vehicles, ambulances, emergency medical services vehicles, and
16 peace officers riding a police bicycle to proceed past a red
17 or stop signal or stop sign, but only after slowing down as an
18 emergency vehicle driver may deem reasonable for safe operation
19 in the same or similar circumstances based on information known
20 to the driver at the time, and to exceed the maximum speed
21 limits so long as the driver does not recklessly endanger life
22 or property.

23 Under current law, authorized emergency vehicles are
24 permitted to operate in this manner only when such vehicles are
25 making use of an audible or visual signaling device, except a
26 vehicle operated by a peace officer is not required to use an
27 audible or visual signaling device if the officer is pursuing
28 a suspected violator of a speed limit. The bill provides
29 that a peace officer is also not required to use an audible
30 or visual device if the officer reasonably believes based
31 on the facts and circumstances at the time that a suspected
32 violator's knowledge of the officer's proximity may cause the
33 suspected violator to destroy evidence of a suspected felony
34 or aggravated misdemeanor, evade apprehension, or endanger the
35 public or the officer. However, the bill permits such action

1 only if the action does not recklessly endanger the life of the
2 officer or the vehicle.

3 The bill provides that the driver of an authorized emergency
4 vehicle transporting a patient to a hospital is not required
5 to use an audible warning device while exceeding a speed limit
6 if a certified emergency medical care provider reasonably
7 believes the patient's condition warrants limited use of the
8 vehicle's audible warning device, provided the driver activates
9 the vehicle's audible warning device when necessary to warn
10 motorists or pedestrians of the vehicle's approach, or when
11 approaching an intersection.

12 The bill further provides that a peace officer operating an
13 authorized emergency vehicle may execute a lawful intervention
14 technique, as defined in the bill, if such execution is
15 reasonable under the circumstances based on the information
16 available to the officer at the time, and the officer
17 has completed a training course approved by the Iowa law
18 enforcement academy that instructs participants in the proper
19 execution of lawful intervention techniques.

20 By operation of law, a violation of these provisions of the
21 bill is punishable by a scheduled fine of \$100.

22 PARADES AND EVENTS. The bill allows the driver of an
23 authorized emergency vehicle to operate the vehicle as part of
24 an official governmental event for the purposes of the safety
25 and security of an elected official, candidate for public
26 office, or the public, or as part of a parade or other public
27 service event if the parade or event is approved by the state
28 or a municipality and notice of the parade or event is publicly
29 disseminated by the state or municipality at least five days
30 prior to the date on which the parade or event will occur. In
31 addition, the bill allows an authorized emergency vehicle to
32 operate in a parade or event while displaying the vehicle's
33 lighting devices.

34 IMMUNITY FROM LIABILITY. The bill provides that a certified
35 fire fighter, emergency medical care provider, peace officer,

1 or reserve peace officer who has completed certain training
2 shall not be liable for any injury or loss arising from the
3 operation of an authorized emergency vehicle in response to
4 an emergency call or to an incident dangerous to the public
5 unless the vehicle is operated with reckless disregard for the
6 safety of persons or property. This provision of the bill
7 only applies when, in response to an emergency call or to an
8 incident dangerous to the public, the authorized emergency
9 vehicle is making use of a siren or flashing blue and red
10 lights.

11 The bill specifies that the driver of an authorized
12 emergency vehicle shall not be liable for any injury or loss
13 arising from the operation of the vehicle unless reckless
14 disregard for the safety of persons or property is proven by
15 clear and convincing evidence. If a person brings a tort
16 claim against the driver of an authorized emergency vehicle, a
17 municipality, or the state for any injury or loss arising from
18 the operation of the authorized emergency vehicle, the bill
19 requires a court to determine, on motion by any party or on
20 its own motion, whether the person has presented sufficient,
21 admissible evidence to support a prima facie finding of
22 reckless disregard for the safety of persons or property,
23 before the matter proceeds to trial.

24 FUNERAL PROCESSIONS. The bill authorizes a driver of an
25 authorized emergency vehicle to operate the vehicle as part of
26 a funeral procession if approved by each municipality in which
27 the funeral procession occurs. The bill allows an authorized
28 emergency vehicle operating in a funeral procession to display
29 the vehicle's lighting devices.

30 SIRENS AND AIR HORNS. The bill allows an authorized
31 emergency medical services program, fire department, or law
32 enforcement agency to equip one or more vehicles with an air
33 horn. The bill requires such vehicles purchased, delivered,
34 or refurbished on or after July 1, 2019, to be equipped with
35 a 200-watt electric or electronic siren capable of emitting

1 at least two distinct siren tones, and one or more compatible
2 siren speakers.

3 The bill prohibits an authorized emergency vehicle's siren,
4 whistle, or bell from being used except when the vehicle is
5 operated in response to an emergency call or to an incident
6 dangerous to the public, in a parade or designated public
7 service event, for a demonstration, for maintenance, or in the
8 immediate pursuit of an actual or suspected violator of the
9 law. The bill requires the driver of the vehicle to sound the
10 siren, whistle, or bell when the driver reasonably believes
11 necessary to warn pedestrians and other drivers of the approach
12 of the vehicle.

13 By operation of law, a violation of this provision is
14 punishable by a scheduled fine of \$30.

15 DESIGNATION AS AUTHORIZED EMERGENCY VEHICLE. The bill
16 includes in the list of vehicles authorized to be designated
17 as authorized emergency vehicles those vehicles owned by a
18 certified chief or certified chief officer of a volunteer fire
19 department, a fire department comprised of a combination of
20 volunteer and paid members, or a nonprofit corporation that
21 delivers emergency services; and vehicles owned by a chief or
22 medical director of an authorized emergency medical service
23 provider. The bill requires the completion of certain training
24 and proof of financial liability coverage or risk pool coverage
25 to obtain the designation.

26 The bill prohibits a public or private employer from
27 requiring an employee or volunteer to apply for or maintain a
28 certificate of designation for an authorized emergency vehicle,
29 and from requiring a person to operate or use an authorized
30 emergency vehicle.